



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
United States Patent

To: Mail Stop Petition  
Commissioner for Patents  
PO Box 1450  
Alexandria, Virginia 22313-1450

From: James L. Sonntag  
P.O. Box 9194  
Salt Lake City, UT 84109  
Telephone: 801-556-5674

Patent Number:.....6537940  
Issue Date:.....03/25/03  
Application Number:.....09/636157  
Confirmation Number:.....6508  
Filing or 371(c) Date:.....08/08/00  
Applicant(s):.....Anil Vasudeo Virkar, et al.  
Attorney's Docket Number: MSRI2034US1  
Title: "ALKALI-METAL-BETA- AND BETA"-  
ALUMINA AND GALLATE  
POLYCRYSTALLINE CERAMICS AND  
FABRICATION BY A VAPOR PHASE  
METHOD"

ATTENTION TO  
THE OFFICE OF PETITIONS

**CERTIFICATION UNDER 37 C.F.R. 1.8**  
I hereby certify that this document, along with attachments referred to or identified as being enclosed, is being deposited with the United States Postal Service with sufficient postage as first class mail on 11 April 2011 in an envelope addressed to Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450. Name of Registered Representative: James L. Sonntag, Reg. #2224  
*[Signature]*  
/james sonntag reg 30224/

USPTO  
RECEIPTS ACCOUNTING  
DIVISION  
2011 APR 18 PM 4:19

**PETITION UNDER 37 CFR 1.377**

**REVIEW OF DECISION REFUSING TO ACCEPT AND RECORD PAYMENT OF A**

**MAINTENANCE FEE FILED PRIOR TO EXPIRATION OF PATENT**

This is a petition to the Director to accept and record payment of a maintenance fee for the above patent. A check for the fee set forth in 37 CFR 1.17(g) (\$200) is enclosed.

**Statement of Facts**

On March 25, 2011, a maintenance fee payment was filed by deposit with the United States Postal Service. The payment included a cover sheet (Exhibit A), and a

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check for the necessary fees (Exhibit B). The deadline for filing a payment with surcharge was March 25, 2011.

On the cover sheet there was an inadvertent and unintentional error. In the first paragraph an incorrect patent number "6458306" was shown. However, the correct patent "6537940" number was shown on the header at the left top corner of the cover sheet, and on the memo line of the check. The correct Serial Number, 09/636157, was also shown on the cover sheet below the patent number.

A Notice Of Non-Acceptance of Patent Maintenance Fee was mailed on April 6, 2011 (Exhibit C). In summary, payment was attempted for the incorrectly shown patent, 6458306, for which a maintenance fee was previously paid. Accordingly, the payment was refused.

Point to be Reviewed and the Action Requested

The Director is respectfully requested to review the attempted payment and non-acceptance to the wrong patent, and the refusal to accept payment for the correct patent. Correct mandatory identifiers (patent number, application number) were on the cover sheet. The correct patent number was also on the check. Except for the incorrect identification in the first paragraph of the cover sheet, no patent number, nor application number, refers to the incorrect patent. It is believed that there are sufficient grounds for the Director to accept payment of the maintenance fee payment to Patent Number 6537940.

The Director is respectfully requested to accept and apply the maintenance fee payment to Patent Number 6537940.

Request for Refund of Petition Fee

It is believed, that in light of the correct patent number and application number at the head of the cover sheet, and the correct patent number on the check, it was clear to the Office that these were the correct indications, and not the lone incorrect patent application number in the paragraph text. Discovery by the Office that no payment for the incorrect patent was due should have alerted the Office to the obvious error.

A refund of the petition fee is requested, since it is believed that the refusal to accept and record the maintenance fee to the correct patent resulted from an error by the Office.

Respectfully submitted;

Dated: 11 April 2011 By: /james sonntag reg 30224/   
James L. Sonntag  
Reg. No. 30,224

# EXHIBIT A

U. S. Patent 6,537,940  
Serial No.: 09/636,157  
Issued: March 25, 2003  
Docket No. MSRI2034US1

## PAYMENT OF MAINTENANCE FEE

Pursuant to CFR Section 1.20(f) enclosed is the eighth year small entity maintenance fee for United States Patent 6458306 in the sum of \$1,240.00, plus surcharge of 65.00. A check for 1305.00 is attached.

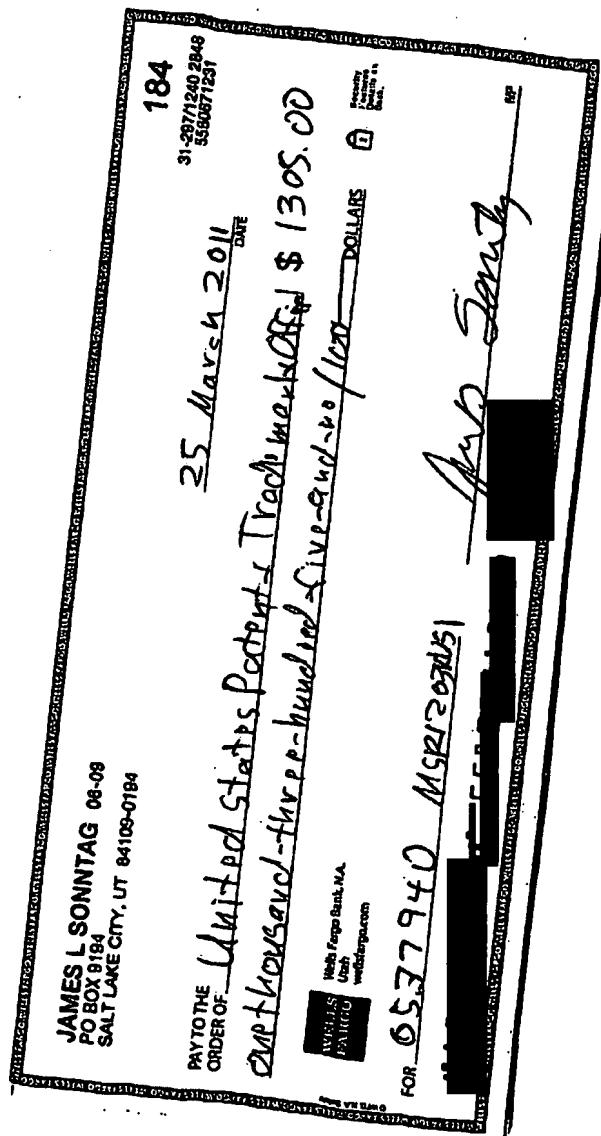
This application is in behalf of a small entity.

Respectfully submitted;

Dated: March 25, 2003 By: /james sonntag reg 30224/   
James L. Sonntag  
Reg. No. 30,224

**CERTIFICATION UNDER 37 C.F.R. 1.8**  
I hereby certify that this document, along with attachments referred to or identified as being enclosed, is being deposited with the United States Postal Service with sufficient postage as first class mail on 25 MARCH 2011 in an envelope addressed to Commissioner for Patents., PO Box 1450, Alexandria, Virginia 22313-1450. Name of Registered Representative: James L. Sonntag, Reg. 30224  
/james sonntag reg 30224/ 

## EXHIBIT B





UNITED STATES PATENT AND TRADEMARK OFFICE

PTO-2142 (09-05)

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Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

## EXHIBIT C



JAMES L. SONNTAG  
PO BOX 9194  
SALT LAKE CITY, UT 84109-0194

April 6, 2011

### NOTICE OF NON-ACCEPTANCE OF PATENT MAINTENANCE FEE

REGARDING PATENT NUMBER: 6458306

Payment Amount Received: \$ 1,305.00

Payment Year 7.5 (e.g., 3.5, 7.5, 11.5)

PAYMENT RECEIPT DATE 04/01/2011  
(Mailroom Date Stamp)

#### PAYMENT STATUS:

Payment will be refunded electronically by EFT.

Your payment was not accepted for the following reason(s):

- 1. The maintenance fee for the above-identified patent was previously paid on 10/01/2010.  
 Information regarding the previous payment is stated in item 8 below.
- 2. The patent expired on \_\_\_\_\_. See "Patent Expiration" section below.
- 3. The fee was paid too early. See 37 CFR 1.366(b). Pursuant to 37 CFR 1.362(d), the payment window will open for the above-identified patent on \_\_\_\_\_.
- 4. Your payment was not sufficient to cover the maintenance fee and any required surcharge for the above-identified patent. An additional amount of \$ \_\_\_\_\_ is/was required.
- 5. The above-identified patent was reissued. In accordance with 37 CFR 1.366(d), the reissue patent number and reissue application number must be provided.
- 6. The payment did not include corresponding patent and application numbers, and was not specially accepted.
- 7. The above-identified patent is not subject to maintenance fees. No maintenance fees are due on utility patents filed before 12/11/80. No maintenance fees are due on design patents or on plant patents. See 37 CFR 1.362(a) and (b). (The "Resubmitting Maintenance Fee Payment" and "Patent Expiration" sections below do not apply.)
- 8. Other: Paid by James L. Sonntag.

#### Resubmitting Maintenance Fee Payment

The six (6) month "grace period" for paying the maintenance fee for the above-identified patent begins on \_\_\_\_\_ and ends on \_\_\_\_\_. In addition to the maintenance fee of \$ \_\_\_\_\_, a resubmitted payment filed in the USPTO during the 6 month "grace period" is required to include a surcharge of \$ \_\_\_\_\_. (See "Note" at the bottom of this Notice.)

To avoid patent expiration, the maintenance fee plus any required surcharge must be resubmitted in a manner that rectifies all of the indicated reason(s) for payment non-acceptance and *must be filed on or before the date the 6 month "grace period" ends*. Send by facsimile to the Office of Finance, Maintenance Fee Branch at (571) 273-6500, or by mail to the following address: Mail Stop M Correspondence, Director of the USPTO, P.O. Box 1450, Alexandria, VA 22313-1450, to the attention of the individual who has signed below.

#### Patent Expiration

The date the six (6) month "grace period" ends becomes the expiration date of the above-identified patent if the required amount for paying the maintenance fee is not filed in the USPTO by that date. See 37 CFR 1.362(g). Expired patents may be reinstated if a petition as set forth in 37 CFR 1.378 is granted. If the above-identified patent has expired and reason number 5 or 6 above is the only reason indicated for payment non-acceptance, it is possible that the payment may be accepted if resubmitted with a petition as set forth in 37 CFR 1.377, rather than 37 CFR 1.378.

If you have any questions regarding this Notice, contact the Office of Finance, Maintenance Fee Branch at (571) 272-6500. Please ask for the individual who has signed below.

 Dorethea Allen (571) 272-6317  
Printed Name of USPTO Representative

  
\_\_\_\_\_  
Signature of USPTO Representative

NOTE: All USPTO fees (including patent maintenance fees) are subject to change. If you are making a payment, visit the [www.uspto.gov](http://www.uspto.gov) website or contact the Office of Finance to verify the amount due on the date payment is to be made. A maintenance fee payment can be timely made using the certificate of mailing or transmission procedure set forth in 37 CFR 1.8.